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SENATE BILL 75

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

R. L. Stockard

AN ACT

RELATING TO JUVENILE JUSTICE; PROVIDING MUNICIPAL, MAGISTRATE AND METROPOLITAN COURTS WITH CONCURRENT JURISDICTION OVER CERTAIN MISDEMEANOR OFFENSES; ENACTING A NEW SECTION OF THE DELINQUENCY ACT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. A new section of the Delinquency Act is enacted to read:

"NEW MATERIAL] JURISDICTION FOR CERTAIN MISDEMEANOR OFFENSES. --

A. Notwithstanding other provisions of the Children's Code and subject to the exception set forth in Subsection B of this section, the municipal, magistrate or metropolitan court shall have concurrent jurisdiction over the following misdemeanor offenses, when the person alleged to

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1 have committed the offense is a child and he has no more than
2 one prior adjudication for any of the following misdemeanor
3 offenses:

4 (1) assault, as provided in Section 30-3-1
5 NMSA 1978;

6 (2) battery, as provided in Section 30-3-4
7 NMSA 1978;

8 (3) criminal trespass, as provided in Section
9 30-14-1 NMSA 1978;

10 (4) graffiti, as provided in Subsection B of
11 Section 30-15-1.1 NMSA 1978;

12 (5) shoplifting, as provided in Paragraph (1)
13 or (2) of Subsection B of Section 30-16-20 NMSA 1978;

14 (6) possession of one ounce or less of
15 marijuana, as provided in Paragraph (1) of Subsection B of
16 Section 30-31-23 NMSA 1978; and

17 (7) possession of alcohol by a minor, as
18 provided in Section 60-7B-1 NMSA 1978.

19 B. A municipal, magistrate or metropolitan court
20 shall not incarcerate a child who has been adjudicated for an
21 offense set forth in Subsection A of this section without
22 first securing the approval of the children's court.

23 C. If the children's court acquires jurisdiction
24 over a child pursuant to the alleged commission of a
25 delinquent act not set forth in Subsection A of this section,

. 125337. 2

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1 it shall have jurisdiction over all offenses alleged to have
2 been committed by the child arising out of the same
3 occurrence.

4 D. When the municipal, magistrate or metropolitan
5 court finds that a child committed an offense set forth in
6 Subsection A of this section, it shall forward a copy of the
7 disposition report to the district court. The district court
8 shall maintain a registry of such disposition reports received
9 from a municipal, magistrate or metropolitan court."

10 Section 2. EFFECTIVE DATE. --The effective date of the
11 provisions of this act is July 1, 1999.